IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 25 OF 2007

MAJOR DEEPAK BALI OF CHIEF ENGINEER (AIR FORCE) ... Petitioner

Versus

UNION OF INDIA THROUGH ITS SECRETARY AND 3 ORS., ... Respondents

Mr. Shankar Hedge with Mr. Shivanand Singbal, Advocates for the Petitioner.
Mr. C. A. Ferreira, Assistant Solicitor General for the Respondent No.1.

Coram:- N. A. BRITTO, J.

Date:- 16th August, 2007

P.C.:-

Heard the learned Counsel on behalf of the Petitioner and Mr. C. A. Ferreira, the learned Assistant Solicitor General on behalf of the Respondents.

On behalf of the Respondents, a preliminary objection has been taken in that as the sentence imposed upon the Petitioner is yet to be confirmed as required under Section 153 of the Army Act, 1950, therefore the petition is premature. The learned Counsel on behalf of the Petitioner seeks leave to withdraw the petition with liberty to file a fresh petition as and when the sentence is confirmed by the confirming authority in terms of Section 153 of the said Act. However, it is made clear that if the said sentence is confirmed the same shall not be executed for a period of four weeks from the date the order is communicated to the Petitioner.

Petition disposed off on the above terms.

N. A. BRITTO, J.

RD.